

TWELVE MONTH AGRICULTURAL EDUCATION PROGRAM FAQ'S

1. Do all agricultural education programs have to be twelve-month programs?

No. Tenn. Code Ann. § 49-5-416(b), as amended by public chapter 143 of 2005, states in full as follows:

“All high school agricultural education programs that were twelve-month programs for the 1992-1993 fiscal year, or any fiscal year thereafter, shall be maintained as twelve-month programs by the local board of education, so long as a quality agricultural education program as determined by criteria established by the vocational-technical education division, agriculture education program, of the department of education is maintained.”

Pursuant to the Attorney General Opinion issued on September 7, 2005, OAG #137, Subparagraph (b) only affects agricultural education programs that were twelve-month programs for the fiscal year 1992-93 or in any following fiscal year. If a school system has such a program, the program must continue to be a twelve month program, so long as the program is a “quality agricultural education program.” Subparagraph (b) does not state that an agricultural education program is mandatory. The primary focus of Tenn. Code Ann. § 49-5-416(b) is to describe which twelve-month agricultural programs must be maintained as twelve-month programs. Tenn. Code Ann. § 49-5-416(b) does not mandate an educational agricultural program, of twelve-months duration or otherwise.

It is the department's position that all students who choose to participate in an agricultural education program benefit most from quality twelve month programs. Therefore, all schools with agricultural education programs should strive to provide such comprehensive programs for students.

2. Is a program considered the individual teacher or all teachers assigned to the program?

Tenn. Code Ann. § 49-5-416(b) only refers to programs not faculty and as such does not mandate which staff to hire or the length or type of employee contracts. Personnel decisions are made at the local level.

3. Does the state provide additional funding for twelve-month agricultural education programs?

Twelve-month agricultural education programs receive no additional funding through the BEP. Prior to the use of the BEP funding formula, funding for agricultural education programs was determined using a weighted formula that determined the minimum amount of funds necessary for twelve-month vs. ten-

month agricultural education programs. During the conversion to the BEP funding formula, the prior weighted formula that identified the ten and twelve-month program funds was removed and the amount of funding for all students was increased.

4. Does a new agricultural education program started after 1992-1993 have to be a twelve-month program?

No. As stated above in the answer to question number 1, Pursuant to the Attorney General Opinion issued on September 7, 2005, OAG #137, subparagraph (b) of Tenn. Code Ann. §49-5-416 only affects agricultural education programs that were twelve-month programs for the fiscal year 1992-93 or in any following fiscal year. If a school system has such a program, the program must continue to be a twelve month program, so long as the program is a “quality agricultural education program.” Tenn. Code Ann. § 49-5-416(b) does not mandate an agricultural education program, of twelve-months duration or otherwise. The primary focus of Tenn. Code Ann. § 49-5-416(b) is to describe which twelve-month agricultural programs must be maintained as twelve-month programs.

5. Does a ten-month agricultural education program that was in place prior to 1992-1993 have to be made a twelve-month program?

No. Tenn. Code Ann. § 49-5-416(b) does not mandate an agricultural education program, of twelve-months duration or otherwise. If an Agricultural Education program has always been less than a twelve-month program nothing in the law requires the program to be made a twelve-month program. However, agricultural education programs that were twelve-month programs for the fiscal year 1992-93 or in any following fiscal year must continue to be a twelve month programs, so long as the programs are “quality agricultural education program.”

6. What if the teacher in a twelve-month program can not meet the criteria because of sickness, maternity leave, or extended illness.

The LEA must handle this situation as it would handle any program in which a teacher is unable continue teaching because of being absent due to maternity leave or sickness. First and foremost, LEAs shall follow all state laws and local policies regarding the use of sick leave by teachers. An interim teacher may be used to fulfill the program requirements otherwise the state department of education would require an improvement plan to be filed by the local school system demonstrating how the LEA would bring the program into compliance.

7. Can a ten-month program be a quality program?

Any Vocational-Technical Education program that meets the six quality indicators is considered a quality program. However, as stated above, it is the department’s position that all students who choose to participate in an

agricultural education program benefit most from quality twelve month programs. Therefore, all schools with agricultural education programs should strive to provide such comprehensive programs for students.

8. Can an agricultural education program that is currently 12 month be reduced to 11 month or less? How?

All programs that were twelve-month programs in 1992-93 must remain twelve-month programs as long as they meet the standards of a quality program. If the program does not meet these standards, the state department of education may require the LEA program to submit an improvement plan demonstrating how the program will comply with the state standards. If the improvement plan is not implemented, then the program may not remain a twelve-month program.

9. Do the locals have the authority to expand or clarify the requirements for a quality twelve month agricultural education program?

LEAs may always adopt local program policies as long as they are not in conflict with state laws, State Board of Education administrative rules or State Department of Education requirements.